



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,361	01/28/2002	Kenneth W. Winters	10008007-1	5210

7590 01/30/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

POE, MICHAEL I

ART UNIT PAPER NUMBER

1732

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,361

Applicant(s)

WINTERS, KENNETH W.

Examiner

Michael I Poe

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 24-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, drawn to an apparatus for revitalizing a windshield wiper blade, classified in class 425, subclass 12.
 - II. Claims 19-23, drawn to a windshield wiper apparatus, classified in class 15, subclass 250.05.
 - III. Claims 24-29, drawn to a method for revitalizing a windshield wiper blade, classified in class 264, subclass 138.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case, the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product such as a windshield wiper assembly without a heating element.

Inventions of Group III and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the method as claimed can be used to make other and materially different product such as a windshield wiper assembly without a heating element.

Inventions of Group III and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice

Art Unit: 1732

another and materially different process. (MPEP § 806.05(e)). In this case, the method as claimed can be practiced by another materially different apparatus such as an apparatus without a guide configured to maintain substantial alignment of the windshield wiper blade relative to the edge-former.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with applicant's attorney Philip Lyren on January 21, 2004, a provisional election was made without traverse to prosecute the invention of Group II, claims 19-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-18 and 24-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,603,451 (VanSickle).

Claims 19, 21 and 23

VanSickle teaches a heated windshield wiper assembly 10 including a supporting assembly 20 comprising an elongated backing support 32 (a blade rail) which extends substantially the length of a wiper blade 18 and holds the wiper blade 18 therein; a thermocouple 54 (a controller) mounted on the backing support 32 for sensing the temperature of a heating element 40 secured thereto and for disconnecting the heating circuit to deactivate the heating element 40 and stop the heating of the wiper blade 18 by the heating element 40 (column 3, lines 7-40; column 4, lines 30-49; Figures 2 and 3).

Art Unit: 1732

7. Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,749,118 (Holland).

Claims 19-21

Holland teaches a heated wiper blade assembly 1 including a heated wiper blade 20 attached to a support frame 10 including an elongated blade 30 and a heating element 70 for heating the heated wiper blade 20 positioned inside (embedded) of the elongated blade 30 or alternatively snugly attached between the upper surface 42 of the elongated blade 30 and an attachment member 60 (a blade rail) on which the blade 30 is fitted (column 3, lines 1-43; Figures 2 and 3).

8. Claims 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,791,010 (Brady et al.).

Claims 19 and 22

Brady et al. teach a heated windshield wiper assembly 10 comprising a wiper arm 12 having an elongate main articulation bow 14 and a pair of elongate carrier bows 16, 17 each pivotally coupled to one of a pair of spaced apart pivot mounts 18, 19 on the main articulation bow 14; a wiper blade 20 mounted to the pair of carrier bows 16, 17; a heating member 22 (element) having an elongate heating element 24 and an elongate reflector 26 located between the pivot mounts 18, 19 of the main articulate bow 14 so that the heating member 22 is interposed between the main articulate bow 14 and the wiper blade 20 for heating the wiper blade 20 (column 3, line 56 - column 4, line 27; Figures 1 and 2).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,497,083 (Nielsen, Jr. et al.), U.S. Patent No. 4,670,933 (Toplenszky), U.S. Patent No. 5,558,792 (Gauharou) and U.S. Patent No. 5,832,558 (Ehret et al.) have been cited of interest to show several of many different examples and arrangements of heated wiper blades.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

Art Unit: 1732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.



Michael Poe/mip



**MICHAEL COLAIANNI
PRIMARY EXAMINER**